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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,819	09/18/2001	Marcio Cravo De Almeida	12971-003001	8209

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EXAMINER	
HOSSAIN, TANIM M	
ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,819	CRAVO DE ALMEIDA ET AL.	
	Examiner	Art Unit	
	Tanim Hossain	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12222004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17, 19-21, 22-38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (U.S. 5,958,010) in view of Goldband et al (U.S. 6,434,532).

As per claim 1, Agarwal teaches a method, for use by an agent, of obtaining data from a device, the method comprising: obtaining data from the device using system calls (Abstract; column 2, lines 33-39; where the use of system calls is inherent); and transmitting the data over an external network using one or more of a plurality of protocols (Abstract; column 1, lines 31-46; where the discussion of the intranet and internet accounts for an external network; column 2, lines 33-39; column 9, lines 26-31). Agarwal does not specifically teach the reception of a plug-in and loading it into the agent. Goldband teaches the reception and loading of a plug-in into an agent (column 4, lines 23-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the method of a plug-in to control the obtaining of data, as taught by Goldband in the system of Agarwal. The motivation for doing so lies in the fact that the monitoring can be done more efficiently, and in the case that different data is needed from the device, a plug-in is easier to update, rather than reconfiguring the entire system. Both

inventions are from the same field of endeavor, namely the use of an agent to obtain data from a device.

As per claim 2, Agarwal-Goldband teaches the method of claim 1, wherein: the agent includes shared libraries containing system calls for obtaining the other data from the device (Agarwal: column 3, lines 27-31; where different forms of data are discussed; column 7, lines 11-15); and the method further comprises loading the shared libraries into the agent when the plug-in is loaded (Goldband: column 4, lines 23-40; where the installation of the shared libraries into the agent by a plug-in is accounted for by the discussion of obviousness in the discussion of claim 1).

As per claim 3, Agarwal-Goldband teaches the method of claim 1, wherein the data is obtained from the device periodically (Agarwal: column 2, lines 33-39; where the continuous obtaining of data constitutes a periodical obtaining).

As per claim 4, Agarwal-Goldband teaches the method of claim 3, but does not specifically teach that the data is obtained every minute. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the limitation in which data is obtained every minute, in light of the fact that Agarwal-Goldband discusses a continuous obtaining of data. This continuous obtaining of data can obviously be set to a rate of every minute, or any other time interval.

As per claim 5, Agarwal-Goldband teaches the method of claim 1, wherein the plurality of protocols comprises simple mail transfer protocol, hypertext transfer protocol, and secure sockets layer protocol (Agarwal: column 9, lines 26-31; where the other protocols are in the TCP/IP family).

As per claim 6, Agarwal-Goldband teaches the method of claim 1, wherein data transmission is effected using at least one of a proxy and socket (Agarwal: column 8, lines 3-5).

As per claim 7, Agarwal-Goldband teaches the method of claim 1, wherein: the agent resides on an internal network that includes the device (Agarwal: column 3, lines 16-18, 23-26); and the method further comprises selecting a machine on the internal network to transmit the data over the external network (Agarwal: column 1, lines 31-46; column 3, lines 16-18, 23-26).

As per claim 8, Agarwal-Goldband teaches the method of claim 7, wherein the external network includes an internet (Agarwal: column 31-46), but does not specifically teach the use of the Internet. Official notice is taken that the use of the Internet to monitor devices is well known. It would have been obvious to one of ordinary skill in the art to at the time of the invention to include this well-known component to monitor network applications, so that system data can be received remotely, for example.

As per claim 9, Agarwal-Goldband teaches the method of claim 7, wherein the agent resides on the device (Agarwal: column 3, lines 16-18).

As per claim 10, Agarwal-Goldband teaches the method of claim 7, wherein the agent resides on a machine located on the internal network that is not the device (Agarwal: column 4, lines 2-8).

As per claim 11, Agarwal-Goldband teaches the method of claim 1, wherein: the device comprises a network device located on an internal network (Agarwal: column 3, lines 10-19); and the agent resides on a server that is also on the internal network (Agarwal: column 3, lines 9-19).

As per claim 12, Agarwal-Goldband teaches the method of claim 1, wherein the data relates to one or more of the following: a processor on the device, memory on the device, a hard drive on the device, an internal network on which the device is located, and software installed on the device (Agarwal: column 3, lines 9-13).

As per claim 13, Agarwal-Goldband teaches a method of providing, to a client, data that was obtained by an agent from a remote device on an internal network, the method comprising: receiving the data via an external network, at least some of the data being received periodically (Agarwal: column 3, lines 9-16; where the use of the Internet constitutes an external network; column 7, lines 1-5); formatting the data (Agarwal: column 3, lines 45-53; column 5, lines 39-55); and making the formatted data accessible to a client via the external network (Agarwal: column 3, lines 45-53; column 7, lines 1-5).

As per claim 14, Agarwal-Goldband teaches the method of claim 13, wherein formatting comprises generating a report based on the data (Agarwal: column 5, lines 39-55).

As per claim 15, Agarwal-Goldband teaches the method of claim 14, wherein the report comprises a natural language report (Agarwal: column 5, lines 39-55; where the reports are obviously in a natural language to have utility).

As per claim 16, Agarwal-Goldband teaches the method of claim 13, but does not specifically teach that the formatting comprises: generating a display based on the data; and updating the display periodically as new data is received periodically via the external network. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the limitation of having an updateable display, enumerating the characteristics and changes that take place in the data. An example of this is an Internet scoreboard that updates periodically.

See also U.S. Patent 5,913,029 to Shostak, column 7, lines 6-31. The motivation to include this teaching into the system of Agarwal-Goldband lies in the fact that a display system is necessary so that the user can make sense of the data he or she is receiving. Also, the data received is in real-time, so it is time-sensitive, and it is thus necessary to display this data as it arrives. All teachings are from the same field of endeavor, namely the reception of information through a network.

As per claim 17, Agarwal-Goldband teaches the method of claim 13, but does not specifically teach that the data is obtained every minute. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the limitation in which data is obtained every minute, in light of the fact that Agarwal-Goldband discusses a continuous obtaining of data. This continuous obtaining of data can obviously be set to a rate of every minute, or any other time interval.

As per claim 19, Agarwal-Goldband teaches the method of claim 13, wherein the external network includes an internet (Agarwal: column 1, lines 31-46), but does not specifically teach the use of the Internet. Official notice is taken that the use of the Internet to monitor devices is well known. It would have been obvious to one of ordinary skill in the art to at the time of the invention to include this well-known component to monitor network applications, so that system data can be received remotely, for example.

As per claim 20, Agarwal-Goldband teaches the method of claim 13, but does not specifically teach that making the formatted data accessible to the client comprises providing a World Wide Web site through which the data can be accessed by the client. Official notice is taken that the use of a website to view network information is well known to one of ordinary

skill in the art. It would have been obvious to one of ordinary skill in the art to combine the well-known component into the system of Agarwal-Goldband, to allow for a more diverse method of accessing the network information.

As per claim 21, Agarwal-Goldband teaches the method of claim 13, but does not specifically teach that the formatted data is made accessible to a wireless device using wireless application protocol. Official notice is taken that the transmission of data already distributed throughout a network and the Internet, to be transmitted to a wireless device using wireless application protocol is well known to one of ordinary skill in the art. It would have been obvious to combine this well-known component into the system of Agarwal-Goldband, to allow for a more diverse method of accessing the network information.

Claims 22-38 and 40-42 are rejected on the same basis as 1-17 and 19-21 as claims 22-38 and 40-42 are means of implementing claims 1-17 and 19-21.

Claims 18 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal-Goldband in further view of Powell (U.S. 6,314,328).

As per claim 18, Agarwal-Goldband teaches the method of claim 13, but does not specifically teach that the formatting comprises: determining if the data indicates that an operational parameter of the device exceeds a preset limit; and generating a report to a client indicating that the operational parameter exceeds the preset limit. Powell teaches an alarm event generator that provides reports for process parameters that exceed predetermined limits (column 12, lines 29-47). It would have been obvious to one of ordinary skill in the art at the time of the

invention to include a generation of a report in the case that an operational parameter is exceeded, as taught by Powell in the system of Agarwal-Goldband. The motivation for doing so lies in the fact that generating an updated report would enable the user to act quickly in the case that the parameter is exceeded. All teachings are from the same field of endeavor, namely the obtaining of data through a network.

Claim 39 is rejected on the same basis as claim 18, as claim 39 teaches a means of implementing the method of claim 18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Burgess et al. (U.S. 5,758,071) teaches a method and system for tracking the configuration of a computer coupled to a computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571/272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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